

**COMMITTEE ON WATER AND SANITATION**  
(Standing Committee of Berkeley County Council)

**Chairman:** Mr. Timothy J. Callanan, Council Member District No. 2

A meeting of the **COMMITTEE ON WATER AND SANITATION**, Standing Committee of Berkeley County Council, was held on **Monday, September 13, 2010**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:54 p.m.

**PRESENT:** Chairman Timothy J. Callanan, Council District No. 2; Committee Member Phillip Farley, Council District No. 1; Committee Member Robert O. Call, Jr., Council District No. 3; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Dennis L. Fish, Council District No. 5; Committee Member Jack H. Schurlknight, Council District No. 6; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8; Supervisor Daniel W. Davis; Ms. Nicole Ewing, County Attorney and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Callanan: "I'd like to call the Committee on Water and Sanitation to order. First on the agenda is the approval of minutes from August 9, 2010."

Committee Member Farley: "So move"

Committee Member C. Davis: "Second"

Chairman Callanan: "We have a motion and a second. Do we have corrections or changes to these minutes? (No Response) With no changes, all those in favor, signify by saying Yes? (Yes) Opposes No? (No Response) Minutes stand approved as presented."

Ms. Barbara Austin: "Mr. Chairman? May I explain why you are now reading Yes and No? Sometimes we have trouble identifying when you say Aye and whatever you say for Nay."

Chairman Callanan: "Ok, thank you."

It was moved by Committee Member Farley and seconded by Committee Member C. Davis to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

**EXECUTIVE SESSION**

Chairman Callanan: "Do I have to read this thing all the way in?"

Ms. Nicole Ewing: "You can summarize it Mr. Callanan."

Chairman Callanan: "I'll just read it all the way through. It's easier that way....."

It was moved by Council Member S. Davis and seconded by Council Member C. Davis to enter into Executive Session to discuss matters relating to the expansion of industries or other businesses in the area served by the County; discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property; the receipt of legal advice, where the legal advice relates to a pending, threatened or potential claim; or other matters covered by the attorney/client privilege; settlement of legal claim; or the position of the County in other adversarial situations involving the assertion against the County of a claim. The motion passed by unanimous voice vote of Council.

Ms. Ewing: "Mr. Callanan, can we also add discussion of economic development issues as well."

Chairman Callanan: "And for discussion of economic development issues. I have a motion and a second. Is there any discussion? (No Response) With no discussion, all those in favor say Yes. (Yes) Opposes No (No Response) We will be right back."

The Committee entered into Executive Session at 6:56 p.m., and returned to its Committee meeting at 8:20 p.m.

Chairman Callanan: "Madam Attorney, would you report us out of executive session."

Ms. Ewing: "Mr. Chairman, the Committee went into Executive Session for the reasons stated in the motion. No action was taken."

Chairman Callanan: "Prior to the next item on the agenda, a gentleman has asked me if he can have a few minutes to speak. I'm just trying to remember....it's a pastor at Faith Assembly of God Church and if you can put your name and address in the microphone. If you could keep it to about like 3 or 4 minutes, that would be great."

Larry Burbacher: "Larry Burbacher. I am pastor at Faith Assembly of God at 337 Farmington Road. The church has been there about 30 years and we've enjoyed our relationship in Berkeley County and we definitely appreciate the water and the toilets. It means a lot to us to have those. I think the confusion began in 1998 when we were building our current sanctuary that we are in right now. Sangaree Water & Sewer were contacted. Permits were acquired. Water and sewer impact fees were paid. Plans show where a meter was to be installed. The work was never done. To my knowledge, we never got a bill for a meter set fee. There was no meter ever put in and my contractors tell me that the County was putting in the meters back then as well. In 2004, we acquired permits to build an extension of our school, where we put our high school. We have about 260 students and we are going to move about eighty of them over to our new building we wanted to put behind us, so we are not creating new students, not attracting new students, in fact, we have less students today than we had in 2004. We paid permits to Berkeley County for \$5,500. We submitted drawings, plans. They were all reviewed by architects,

engineers. We had site plans. We were very meticulous in submitting all of our plans. With the submission of those plans, we were told that there would be inspections that would be made. They came out and inspected the sewer lines that we ran. There was some question about legalities. I have a couple of gentlemen here from Coastal Sprinkler and they will testify they did nothing illegal. They never ever tap into a line without first getting permission from the County. They submitted their drawings which showed where the line was going to tap in at. They submitted those drawings to the State. They were stamped and approved by the State. Some of the drawings they have show a meter that should have been put in 1998. I have trouble remembering what happened last week, let alone what happened 12 years ago in 1998. We do know at that time there were many mistakes made in the building of the sanctuary and in the permitting process and what went on between the County. We ran a 6 inch line. We were told to run a 6 inch line for our building that we added so that we could sprinkle the building. We were going to have students in there and the County required sprinkling of that building, so they ran a 6 inch line to the back building. All plans were submitted. All plans were approved. The sewer lines were also run and before we could ever cover up any sewer line, they had to put a stamp on it showing there was a sewer there and it was all done properly and correctly. No one ever once said a word about an impact fee for sewer or water. The meter was never put on the road. I will tell you that we thought the meter was there. There was never ever an intent of Faith Assembly of God to defraud Berkeley County Water & Sewer. We have paid our bills. We pay our bill every month and we have been...we believe in honesty and integrity. So there was never ever any intent to defraud this County. They put in a 6 inch meter in today. We were told it had to be put in, so we said c'mon and put it in. That meter cost \$20,000...almost \$20,000, \$19 something and 15% of that is a markup that goes back to the County. We were charged \$25,000 impact fees. The impact fees reflect today's rates. Two years ago, the rates almost tripled. A building that was built in 2004 and then one that we got permits for and we paid....and by the way, on the Youth Building that was built two years ago, we actually got our permitting done in 2007. Took about a year and one half to build that building and the permits cost us \$11,800. So from 2004 to 2007 the permits alone doubled from \$5,500 to \$11, 800. We paid all of the permits. We submitted all of the plans. We crossed our T's and dotted our I's. We went back into the County and what we had and what has happened in the past and I appreciate the County getting their act together now, but Berkeley Permitting was not communicating at all with Berkeley Water & Sewer. The right hand did not know what the left hand was doing. We did everything by the book down to the letter of the law. So what we are appealing is we want to pay our fees. We want to pay the right and proper fees. We believe we need to do that. If impact would have been assessed in 2004, we would have been happy to pay that. Of course, then it would have been easier because I had construction funds available. We have no money right now. But, I'm more than happy to come up with the impact fees. I want to pay my impact fees. But, I want to pay it at 2004's rate and the 2007 rate for those two buildings that are up. I think that is a wonderful...that \$20,000 for the meter. That would be about another \$12,000 for impact fees. By the way, we are not really impacting the system. I know we are told we are impacting the system, but I took students from a gymnasium that was already metered on another property and moved those 150 students to our youth facility that we built for them. I took students from another building that was already being metered, already paid impact fees, already done all right and moved them to another building, so I basically have shifted some students around. We are not adding any more flushes or any more water. My time is up. I have my contractor here. He is

free to answer any questions. He did all that and I have my Coastal Sprinkler System here as well. Thank you so much for hearing me. I appreciate all you do.”

Chairman Callanan: “Thank you sir. Does anyone have any questions for the pastor? (No Response) I think we are all set. I think they are working on something right now and we will be communicating with the next couple of weeks or so. Thank you. Next on the agenda is Mr. Micah Miley. I’m sorry, the next item on the agenda is going to be held for a month.”

**A. Mr. Micah Miley, Director of Engineering, Berkeley County Water and Sanitation,**  
Re: Agreement with Charleston CPW. (Hold for one month)

**B. Review prior to Second Reading of Bill No. 10-35, a Seventh Supplemental Ordinance** providing for the issuance and sale of Berkeley County, South Carolina, combined **Utility System Refunding Revenue Bond, Series 2010**, in the **principal amount of \$1,695,000** for the purpose of **refunding the county’s \$1,695,000 Solid Waste System Revenue Bond, Series 2005**; and other matters relating thereto.

Committee Member Farley: “Move for approval”

Committee Member Fish: “Second”

Chairman Callanan: “I have a motion and a second. Is there any discussion? (No Response) Without any discussion, all those in favor signify by say Yes? (Yes) Opposes No? (No Response) Motion carries. I’d entertain a motion to adjourn.”

It was moved by Committee Member Farley and seconded by Committee Member Fish to **approve** prior to **Second Reading, Bill No. 10-35**. The motion passed by unanimous voice vote of the Committee.

It was moved by Committee Member S. Davis and seconded by Committee Member C. Davis to **adjourn** the Water & Sanitation Committee meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 8:28 pm.

October 11, 2010

Date Approved

**COMMITTEE ON WATER AND SANITATION**  
(Standing Committee of Berkeley County Council)

Chairman: Mr. Timothy J. Callanan, District No. 2

Members: Mr. Phillip Farley, District No. 1  
Mr. Robert O. Call, Jr., District No. 3  
Mrs. Cathy Davis, District No. 4  
Mr. Dennis L. Fish, District No. 5  
Mr. Jack H. Schurlknight, District No. 6  
Mr. Caldwell Pinckney, Jr., District No. 7  
Mr. Steve C. Davis, District No. 8  
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON WATER AND SANITATION**, Standing Committee of Berkeley County Council will be held on **Monday September 13, 2010, at 6:00 p.m.**, following other scheduled meetings in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

**AGENDA**

**APPROVAL OF MINUTES**

**August 9, 2010**

**EXECUTIVE SESSION** to discuss matters relating to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

**A. Mr. Micah Miley, Director of Engineering, Berkeley County Water and Sanitation,**  
Re: Agreement with Charleston CPW

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September 8, 2010  
S/Barbara B. Austin, CCC  
Clerk of County Council